

managed if funding was provided for the management and provision of such services in the form of advance appropriations.

Section 2 of the Senate amendment expresses Congressional findings which support the need for enactment of advance appropriations for VA medical care.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate concur in the House amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES SECRET SERVICE
UNIFORMED DIVISION MOD-
ERNIZATION ACT OF 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 171, S. 1510.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1510) to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1510) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:
S. 1510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “United States Secret Service Uniformed Division Modernization Act of 2009”.

SEC. 2. PURPOSE.

The purpose of this Act is to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code.

SEC. 3. HUMAN RESOURCES FOR UNITED STATES
SECRET SERVICE UNIFORMED DIVI-
SION.

(a) PAY FOR MEMBERS OF THE UNITED STATES SECRET SERVICE UNIFORMED DIVISION.—Subpart I of part III of title 5, United States Code, is amended by adding at the end the following:

“CHAPTER 102—UNITED STATES SECRET
SERVICE UNIFORMED DIVISION PER-
SONNEL

“Sec.

“10201. Definitions.

“10202. Authorities.

“10203. Basic pay.

“10204. Rate of pay for original appoint-
ments.

“10205. Service step adjustments.

“10206. Technician positions.

“10207. Promotions.

“10208. Demotions.

“10209. Clothing allowances.

“§ 10201. Definitions

“In this chapter—

“(1) the term ‘member’ means an employee of the United States Secret Service Uni-

formed Division having the authorities described under section 3056A(b) of title 18;

“(2) the term ‘Secretary’ means the Secretary of the Department of Homeland Security; and

“(3) the term ‘United States Secret Service Uniformed Division’ has the meaning given that term under section 3056A of title 18.

“§ 10202. Authorities

“(a) IN GENERAL.—The Secretary is authorized to—

“(1) fix and adjust rates of basic pay for members of the United States Secret Service Uniformed Division, subject to the requirements of this chapter;

“(2) determine what constitutes an acceptable level of competence for the purposes of section 10205;

“(3) establish and determine the positions at the Officer and Sergeant ranks to be included as technician positions; and

“(4) determine the rate of basic pay of a member who is changed or demoted to a lower rank, in accordance with section 10208.

“(b) DELEGATION OF AUTHORITY.—The Secretary is authorized to delegate to the designated agent or agents of the Secretary, any power or function vested in the Secretary under in this chapter.

“(c) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to administer this chapter.

“§ 10203. Basic pay

“(a) IN GENERAL.—The annual rates of basic pay of members of the United States Secret Service Uniformed Division shall be fixed in accordance with the following schedule of rates, except that the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks is limited to 95 percent of the rate of pay for level V of the Executive Schedule under subchapter II of chapter 53.

“Rank	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
Officer	\$44,000	\$46,640	\$49,280	\$51,920	\$54,560	\$57,200	\$59,840	\$62,480	\$65,120	\$67,760	\$70,400	\$73,040	\$75,680
Sergeant				59,708	62,744	65,780	68,816	71,852	74,888	77,924	80,960	83,996	87,032
Lieutenant					69,018	72,358	75,698	79,038	82,378	85,718	89,058	92,398	95,738
Captain						79,594	83,268	86,942	90,616	94,290	97,964	101,638	105,312
Inspector							91,533	95,758	99,983	104,208	108,433	112,658	116,883
Deputy Chief	The rate of basic pay for Deputy Chief positions will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Assistant Chief	The rate of basic pay the Assistant Chief position will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Chief	The rate of basic pay the Chief position will be equal to the rate of pay for level V of the Executive Schedule.												

“(b) SCHEDULE ADJUSTMENT.—

“(1)(A) Effective at the beginning of the first pay period commencing on or after the first day of the month in which an adjustment in the rates of basic pay under the General Schedule takes effect under section 5303 or other authority, the schedule of annual rates of basic pay of members (except the Deputy Chiefs, Assistant Chief and Chief) shall be adjusted by the Secretary by a percentage amount corresponding to the percentage adjustment made in the rates of pay under the General Schedule.

“(B) The Secretary may establish a methodology of schedule adjustment that—

“(i) results in uniform fixed-dollar step increments within any given rank; and

“(ii) preserves the established percentage differences among rates of different ranks at the same step position.

“(2) Notwithstanding paragraph (1), the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks after adjustment under paragraph (1) may not exceed 95 percent of the rate of

pay for level V of the Executive Schedule under subchapter II of chapter 53.

“(3) Locality-based comparability payments authorized under section 5304 shall be applicable to the basic pay for all ranks under this section, except locality-based comparability payments may not be paid at a rate which, when added to the rate of basic pay otherwise payable to the member, would cause the total to exceed the rate of basic pay payable for level IV of the Executive Schedule.

“§ 10204. Rate of pay for original appoint-
ments

“(a) IN GENERAL.—Except as provided in subsection (b), all original appointments shall be made at the minimum rate of basic pay for the Officer rank set forth in the schedule in section 10203.

“(b) EXCEPTION FOR SUPERIOR QUALIFICATIONS OR SPECIAL NEED.—The Director of the United States Secret Service or the designee of the Director may appoint an individual at a rate above the minimum rate of basic pay for the Officer rank based on the individual’s

superior qualifications or a special need of the Government for the individual’s services.

“§ 10205. Service step adjustments

“(a) DEFINITION.—In this section, the term ‘calendar week of active service’ includes all periods of leave with pay or other paid time off, and periods of non-pay status which do not cumulatively equal one 40-hour work-week.

“(b) ADJUSTMENTS.—Each member whose current performance is at an acceptable level of competence shall have a service step adjustment as follows:

“(1) Each member in service step 1, 2, or 3 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 52 calendar weeks of active service in the member’s service step.

“(2) Each member in service step 4, 5, 6, 7, 8, 9, 10, or 11 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 104 calendar weeks

of active service in the member's service step.

“(3) Each member in service step 12 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 156 calendar weeks of active service in the member's service step.

“§ 10206. Technician positions

“(a) IN GENERAL.—(1) Each member whose position is determined under section 10202(a)(3) to be included as a technician position shall, on or after such date, receive, in addition to the member's scheduled rate of basic pay, an amount equal to 6 percent of the sum of such member's rate of basic pay and the applicable locality-based comparability payment.

“(2) A member described in this subsection shall receive the additional compensation authorized by this subsection until such time as the member's position is determined under section 10202(a)(3) not to be a technician position, or until the member no longer occupies such position, whichever occurs first.

“(3) The additional compensation authorized by this subsection shall be paid to a member in the same manner and at the same time as the member's basic pay is paid.

“(b) EXCEPTIONS.—(1) Except as provided in paragraph (2), the additional compensation authorized by subsection (a)(1) shall be considered as basic pay for all purposes, including section 8401(4).

“(2) The additional compensation authorized by subsection (a)(1) shall not be considered as basic pay for the purposes of—

“(A) section 5304; or

“(B) section 7511(a)(4).

“(3) The loss of the additional compensation authorized by subsection (a)(1) shall not constitute an adverse action for the purposes of section 7512.

“§ 10207. Promotions

“(a) IN GENERAL.—Each member who is promoted to a higher rank shall receive basic pay at the same step at which such member was being compensated prior to the date of the promotion.

“(b) CREDIT FOR SERVICE.—For the purposes of a service step adjustment under sec-

tion 10205, periods of service at the lower rank shall be credited in the same manner as if it was service at the rank to which the employee is promoted.

“§ 10208. Demotions

“When a member is changed or demoted from any rank to a lower rank, the Secretary may fix the member's rate of basic pay at the rate of pay for any step in the lower rank which does not exceed the lowest step in the lower rank for which the rate of basic pay is equal to or greater than the member's existing rate of basic pay.

“§ 10209. Clothing allowances

“(a) IN GENERAL.—In addition to the benefits provided under section 5901, the Director of the United States Secret Service or the designee of the Director is authorized to provide a clothing allowance to a member assigned to perform duties in normal business or work attire purchased at the discretion of the employee. Such clothing allowance shall not to be treated as part of the member's basic pay for any purpose (including retirement purposes) and shall not be used for the purpose of computing the member's overtime pay, pay during leave or other paid time off, lump-sum payments under section 5551 or section 5552, workers' compensation, or any other benefit. Such allowance for any member may be discontinued at any time upon written notification by the Director of the United States Secret Service or the designee of the Director.

“(b) MAXIMUM AMOUNT AUTHORIZED.—A clothing allowance authorized under this section shall not exceed \$500 per annum.”.

(b) ANNUAL LEAVE LIMITATION FOR MEMBERS IN THE DEPUTY CHIEF, ASSISTANT CHIEF, AND CHIEF RANKS.—Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking “or” after the semicolon;

(2) in subparagraph (G), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(H) a position in the United States Secret Service Uniformed Division at the rank of Deputy Chief, Assistant Chief, or Chief.”.

(c) SICK LEAVE FOR WORK-RELATED INJURIES AND ILLNESSES.—Section 6324 of title 5, United States Code, is amended—

(1) in subsection (a), by striking “Executive Protective Service force” and inserting “United States Secret Service Uniformed Division”;

(2) in subsection (b)(3), by striking “the Treasury for the Executive Protective Service force” and inserting “Homeland Security for the United States Secret Service Uniformed Division”; and

(3) by adding at the end the following:

“(c) This section shall not apply to members of the United States Secret Service Uniformed Division who are covered under chapter 84 for the purpose of retirement benefits.”.

SEC. 4. MISCELLANEOUS PROVISIONS.

(a) CONVERSION TO NEW SALARY SCHEDULE IN CALENDAR YEAR 2010.—

(1) IN GENERAL.—

(A) RATES OF PAY FIXED.—Effective the first day of the first pay period beginning on or after May 1, 2010, the Secretary shall fix the rates of basic pay for members of the United States Secret Service Uniformed Division, as defined under section 10201 of title 5, United States Code, (as added by section 3(a) of this Act) in accordance with the provisions of this subsection.

(B) RATE BASED ON CREDITABLE SERVICE.—

(i) IN GENERAL.—Each member shall be placed in and receive basic pay at the corresponding scheduled rate under chapter 102 of title 5, United States Code, as added by section 3(a) of this Act (after any adjustment under paragraph (3) of this subsection) in accordance with the member's total years of creditable service, as provided in the table in this clause. If the scheduled rate of basic pay for the step to which the member would be assigned in accordance with this paragraph is lower than the member's rate of basic pay immediately before the date of enactment of this paragraph, the member shall be placed in and receive basic pay at the next higher service step, subject to the provisions of clause (iv). If the member's rate of pay exceeds the highest step of the rank, the rate of basic pay shall be determined in accordance with clause (iv).

Full Years of Creditable Service	Step Assigned Upon Conversion
0	1
1	2
2	3
3	4
5	5
7	6
9	7
11	8
13	9
15	10
17	11
19	12
22	13

(ii) CREDITABLE SERVICE.—For the purposes of this subsection, a member's creditable service is any police service in pay status with the United States Secret Service Uniformed Division, the United States Park Po-

lice, or the District of Columbia Metropolitan Police Department.

(iii) STEP 13 CONVERSION MAXIMUM RATE.—

(I) IN GENERAL.—A member who, at the time of conversion, is in step 13 of any rank

below Deputy Chief, is entitled to that rate of basic pay which is the greater of—

(aa) the rate of pay for step 13 under the new salary schedule; or

(bb) the rate of pay for step 14 under the pay schedule in effect immediately before conversion.

(II) STEP 14 RATE.—Clause (iv) shall apply to a member whose pay is set in accordance with subclause (I)(bb).

(iv) ADJUSTMENT BASED ON FORMER RATE OF PAY.—

(I) DEFINITION.—In this clause, the term “former rate of basic pay” means the rate of basic pay last received by a member before the conversion.

(II) IN GENERAL.—If, as a result of conversion to the new salary schedule, the member's former rate of basic pay is greater than the maximum rate of basic pay payable for the rank of the member's position immediately after the conversion, the member is entitled to basic pay at a rate equal to the member's former rate of basic pay, and increased at the time of any increase in the maximum rate of basic pay payable for the rank of the member's position by 50 percent of the dollar amount of each such increase.

(III) PROMOTIONS.—For the purpose of applying section 10207 of title 5, United States Code, relating to promotions, (as added by section 3(a) of this Act) an employee receiving a rate above the maximum rate as provided under this clause shall be deemed to be at step 13.

(2) CREDIT FOR SERVICE.—Each member whose position is converted to the salary schedule under chapter 102 of title 5, United States Code, (as added by section 3(a) of this Act) in accordance with this subsection shall be granted credit for purposes of such member's first service step adjustment made after conversion to the salary schedule under that chapter for all satisfactory service performed by the member since the member's last increase in basic pay before the adjustment under this section.

(3) ADJUSTMENTS DURING TRANSITION.—The schedule of rates of basic pay shall be increased by the percentage of any annual adjustment applicable to the General Schedule authorized under section 5303 of title 5, United States Code, or any other authority, which takes effect during the period which begins on the date of enactment of this Act through the day before the effective date of this Act. The Secretary of Homeland Security may establish a methodology of schedule adjustment that results in uniform fixed-dollar step increments within any given rank and preserves the established percentage differences among rates of different ranks at the same step position.

(b) IMPACT ON BENEFITS UNDER THE DISTRICT OF COLUMBIA POLICE AND FIREFIGHTERS' RETIREMENT AND DISABILITY SYSTEM.—

(1) SALARY INCREASES FOR PURPOSES OF CERTAIN PENSIONS AND ALLOWANCES.—

(A) DEEMED INCREASE.—The increases in pay as a result of this Act shall be deemed to be an increase of 2.93 percent in salary of current members for the purposes of section 5-744 or section 5-745 of the District of Columbia Code.

(B) CONVERSION AND INITIAL ADJUSTMENT.—The conversion of positions and members of the United States Secret Service Uniformed Division to appropriate ranks in the salary schedule under section 5-545.01(c) of the District of Columbia Code, and the initial adjustments of rates of basic pay of those positions and individuals in accordance with section 5-561.02(a) of the District of Columbia Code, shall not be treated as an increase in salary for purposes of section 5-744 or section 5-745 of the District of Columbia Code.

(2) TREATMENT OF RETIREMENT BENEFITS AND PENSIONS OF CURRENT AND FORMER MEMBERS.—Except as otherwise provided in this Act, nothing in this Act shall affect retirement benefits and pensions of current mem-

bers and former members who have retired under the District of Columbia Police and Firefighters' Retirement and Disability System.

SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—To the extent that any provision of the District of Columbia Code that authorizes an entitlement to pay or hours of work for current members of the United States Secret Service Uniformed Division is not expressly revoked by this Act, such provision shall not apply to such members after the effective date of this Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS TO THE DISTRICT OF COLUMBIA CODE.—The District of Columbia Code is amended as follows:

(1) In section 5-521.01, by striking “the United States Secret Service Uniformed Division,”.

(2) In section 5-521.02, by striking, “the United States Secret Service Uniformed Division and”.

(3) In section 5-521.03, by striking—

(A) in the section heading “United States Secret Service Uniformed Division and”;

(B) “the United States Secret Service Uniformed Division and”;

(C) “the Secretary of the Treasury and”;

and

(D) “, respectively”.

(4) In section 5-542.02, by striking “United States Secret Service Uniformed Division,”.

(5) In section 5-543.01(b), by striking “the United States Secret Service Uniformed Division,”.

(6) In section 5-543.02, by striking—

(A) in subsection (a), “the Secretary of Treasury, in the case of the United States Secret Service Uniformed Division,”;

(B) in subsection (b), “the United States Secret Service Uniformed Division or”;

(C) in subsection (e), “the United States Secret Service Uniformed Division or”.

(7) In section 5-543.03(a)(5), by striking “the United States Secret Service Uniformed Division and”.

(8) In section 5-543.04, by striking in subsection (d)(1) “the United States Secret Service Uniformed Division or”.

(9) In section 5-543.05, by striking—

(A) “the United States Secret Service Uniformed Division,”; and

(B) “or the Secretary of the Treasury,”.

(10) In section 5-545.01, by striking—

(A) in the section heading, “and the United States Secret Service Uniformed Division”;

(B) in subsection (a), “and the United States Secret Service Uniformed Division”;

(C) in subsection (c)(1)—

(i) by striking “the United States Secret Service Uniformed Division and”;

(ii) in the matter following paragraph (1), by striking from the Salary Schedule “United States Secret Service Uniformed Division”;

(D) in subsection (c)(2), by striking “the annual rates of basic compensation” and all that follows through “the Secretary of the Treasury, and”;

(E) in subsection (c)(5), by striking “officers and members of the United States Secret Service Uniformed Division or”;

(F) in subsection (c)(6)(A), by striking “the United States Secret Service Uniformed Division or”;

(G) in subsection (c)(7)(A), by striking “the United States Secret Service Uniformed Division or”.

(11) In section 5-545.06, by striking “, the Secretary of the Treasury,”.

(12) By striking section 5-561.01.

(13) In section 5-561.02(a)(1), by striking “the Secretary of Treasury” and all that follows through “United States Secret Service Uniformed Division, and”.

(14) In section 5-716(b)(2), by inserting “, or, for a member who was an officer or member of the United States Secret Service Uniformed Division, or the United States Secret Service Division, 40 percent of the corresponding salary for step 5 of the Officer rank in section 10203 of title 5, United States Code” after “member's death”.

(15) In section 5-1304—

(A) in subsection (a)(1)—

(i) by inserting “and” before “the Secretary of the Interior”; and

(ii) by striking “, and the Secretary of the Treasury in the case of the United States Secret Service Uniformed Division”;

(B) in subsection (a)(9)—

(i) by inserting “or” before “the United States Park Police force”; and

(ii) by striking “or the United States Secret Service Uniformed Division”;

(C) in subsection (b)—

(i) by inserting “or” before “the Secretary of the Interior”; and

(ii) by striking “or the Secretary of the Treasury,”;

(D) in subsection (h)(3)(A), by striking “of the United States Secret Service Uniformed Division or”;

(E) in subsection (h)(3)(B), by striking “of the United States Secret Service Uniformed Division or”.

(16) In section 5-1305 by striking—

(A) “the United States Secret Service Uniformed Division,”; and

(B) “the Secretary of the Treasury,”.

(c) TECHNICAL AND CONFORMING AMENDMENTS TO THE UNITED STATES CODE.—Title 5 of the United States Code is amended—

(1) in section 5102(c)(5), by striking “the Executive Protective Service” and inserting “the United States Secret Service Uniformed Division”;

(2) in section 5541(2)(iv)(II), by striking “a member of the United States Secret Service Uniformed Division,”; and

(3) in the table of chapters for subpart I of part III by adding at the end the following:

“102. United States Secret Service Uniformed Division Personnel 10201”.

SEC. 6. EFFECTIVE DATE.

This Act (including the amendments made by this Act) shall take effect the first day of the first pay period beginning on or after May 1, 2010.

AWARDING A CONGRESSIONAL GOLD MEDAL TO DR. MUHAMMAD YUNUS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 846 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The bill clerk read as follows:

A bill (S. 846) to award the Congressional Gold Medal to Dr. Muhammad Yunus in recognition of his contributions to the fight against global poverty.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, Professor Muhammad Yunus is one of the world's leading figures in the fight against poverty. He has dedicated his life to economic and social change, and in doing so has transformed the lives of millions of people around the world.

He is affectionately called the “banker to the poor,” largely because he is